

Senate File 2158 - Introduced

SENATE FILE _____
BY BOLKCOM _____

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to nutrition labeling of food by chain
2 restaurants having more than twenty locations and providing a
3 penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5604XS 82
6 jr/nh/8

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1 1 Section 1. NEW SECTION. 137G.1 CITATION.
1 2 1. This chapter shall be known and may be cited as the
1 3 "Menu Education and Labeling Act".
1 4 Sec. 2. NEW SECTION. 137G.2 DEFINITIONS AND
1 5 APPLICABILITY.
1 6 1. As used in this chapter, the following definitions
1 7 shall apply:
1 8 a. "Restaurant" means a food establishment, as defined in
1 9 section 137F.1, providing individual portion service.
1 10 b. "Standard menu item" does not include a temporary menu
1 11 item, such as a special that appears on the menu for less than
1 12 thirty days per year, or condiments or other items placed on
1 13 the table or counter for general use without charge.
1 14 2. The requirements of this chapter do not apply to a
1 15 restaurant if it has twenty or fewer locations in this state
1 16 doing business under the same trade name, regardless of the
1 17 type of ownership of the individual restaurant locations, and
1 18 offering predominantly the same types of meals, foods, or
1 19 menus.
1 20 Sec. 3. NEW SECTION. 137G.3 NUTRITION INFORMATION
1 21 REQUIRED.
1 22 1. A restaurant shall provide nutrition information for
1 23 all standard menu items listed on the menu, as usually
1 24 prepared and offered for sale, including but not limited to
1 25 the total number of all of the following:
1 26 a. Calories.
1 27 b. Grams of saturated fat plus trans fat.
1 28 c. Grams of carbohydrates.
1 29 d. Milligrams of sodium per serving.
1 30 2. A restaurant that uses a standard menu shall provide
1 31 such information next to each item on the menu in a size and
1 32 typeface of equal prominence to the price or name of the menu
1 33 item. The bottom of each page of a menu must include, in a
1 34 clear and conspicuous manner, the following statement:
1 35 "Recommended limits for a 2,000 calorie daily diet are 20
2 1 grams of saturated fat and 2,300 milligrams of sodium.
2 2 Saturated fat numbers include trans fat." If no items on the
2 3 menu contain more than one-half gram of trans fat from
2 4 partially hydrogenated oil per serving, the statement
2 5 "saturated fat numbers include trans fat" can be omitted.
2 6 3. If a restaurant uses only a menu board, the restaurant
2 7 may limit the nutrition information listed on the menu board
2 8 to the total number of calories per serving per item in a size
2 9 and typeface of equal prominence to the price or name of the
2 10 item; provided, that the additional nutrition information
2 11 shall be made available to customers in writing upon request.
2 12 Menu boards must include, in a clear and conspicuous manner,
2 13 the following statement: "A 2,000 calorie daily diet is used
2 14 as the basis for general nutrition advice; however, individual
2 15 calorie needs may vary."
2 16 4. A menu or menu board may include the following or a
2 17 similar statement: "The nutrition information is based on
2 18 standard recipes and product formulations; however, small
2 19 variations may occur due to differences in preparation,

2 20 serving sizes, ingredients, or special orders."
2 21 5. If a restaurant provides a salad bar, buffet line,
2 22 cafeteria service, or similar self-serve arrangement, it may
2 23 limit the nutrition information provided for items offered in
2 24 such an arrangement to the total number of calories per
2 25 standard serving per item next to where the item is offered in
2 26 a size and typeface that is prominent and legible from where
2 27 customers are choosing those items; provided, that the
2 28 additional nutrition information about the item shall be made
2 29 available to customers in writing upon request.

2 30 Sec. 4. NEW SECTION. 137G.4 ADDITIONAL INFORMATION NOT
2 31 PROHIBITED.

2 32 Nothing in this chapter precludes a restaurant or similar
2 33 retail food establishment from providing additional nutrition
2 34 information.

2 35 Sec. 5. NEW SECTION. 137G.5 NUTRIENT ANALYSIS.

3 1 1. Restaurants shall obtain the nutrient analysis required
3 2 by this chapter using analytic methods and express nutrient
3 3 content in a manner consistent with the federal Food, Drug,
3 4 and Cosmetic Act, 21 U.S.C. } 301 et seq., and implementing
3 5 regulations.

3 6 2. For menu items that come in different flavors,
3 7 varieties, or combinations but that are listed as a single
3 8 menu item, such as soft drinks, ice cream, pizza, doughnuts,
3 9 or children's combination meals, the median value for calories
3 10 or other nutrients for all flavors, varieties, or combinations
3 11 shall be listed on menus and menu boards if the calorie or
3 12 other nutrient values for all flavors, varieties, or
3 13 combinations are within twenty percent of the median. If the
3 14 calories or other nutrient values are not within twenty
3 15 percent of the median, then the range for all the flavors,
3 16 varieties, or combinations of that menu item shall be listed
3 17 from the lowest to the highest value. If a menu item that
3 18 comes in different varieties is on display with a name placard
3 19 or similar signage, the calories per serving as offered for
3 20 sale shall be listed on a placard along with the name. If a
3 21 menu item is not on display, nutrition information for each
3 22 individual flavor or variety or each individual menu item that
3 23 can be chosen as part of a combination meal shall be provided
3 24 by means of an in-store brochure, booklet, kiosk, or other
3 25 device that is easily accessible to customers. Signage should
3 26 alert customers to the availability of such information.

3 27 Sec. 6. NEW SECTION. 137G.6 RULEMAKING.

3 28 1. The department of inspections and appeals shall adopt
3 29 rules, pursuant to chapter 17A, to implement this chapter by
3 30 July 1, 2009. The rules shall require the required
3 31 information to be conveyed to the public in a manner that
3 32 enables the public to readily observe and comprehend such
3 33 information and to understand its relative significance in the
3 34 context of a total daily diet.

3 35 2. Inspectors who inspect restaurants and other food
4 1 establishments pursuant to section 137F.10 and 137F.11 shall
4 2 verify that the nutrition information required under this
4 3 chapter is listed on the menu or menu board and that any
4 4 additional required information is available for customers
4 5 upon request. The inspectors shall not be required to verify
4 6 the accuracy of the nutrition information. The department may
4 7 request that franchisors or corporate owners of chain
4 8 restaurants and food establishments provide documentation of
4 9 the accuracy of the nutrition information.

4 10 Sec. 7. NEW SECTION. 137G.7 PENALTY.

4 11 A person who violates a provision of this chapter shall be
4 12 guilty of a simple misdemeanor. Each day upon which a
4 13 violation occurs constitutes a separate violation.

4 14 EXPLANATION

4 15 This bill requires a restaurant having more than twenty
4 16 locations in Iowa to provide nutrition information for all
4 17 standard menu items listing calories, grams of saturated fat
4 18 plus trans fat, grams of carbohydrates, and milligrams of
4 19 sodium per serving. The nutrient analysis must be consistent
4 20 with the federal Food, Drug, and Cosmetic Act.

4 21 Menus or menu boards must contain the statement: "A 2,000
4 22 calorie daily diet is used as the basis for general nutrition
4 23 advice; however individual calorie needs may vary."

4 24 The term "restaurant" is defined as a food establishment
4 25 providing individual portion service. Grocery stores are not
4 26 included under the bill.

4 27 The bill requires that restaurant inspectors verify that
4 28 the nutrition information required under the bill is listed on
4 29 the menu or menu board and that any additional required
4 30 information is available for customers upon request. The

4 31 inspectors are not required to verify the accuracy of the
4 32 nutrition listings.
4 33 The bill makes violation of a provision of the bill a
4 34 simple misdemeanor. Each day upon which a violation occurs
4 35 constitutes a separate violation.
5 1 LSB 5604XS 82
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